

DOCKET NO.: **VE-0002
Application No.: 10/016,575
Office Action Dated: August 23, 2007

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

REMARKS

Claims 1-28 and 31-34 are pending in the application. Claims 29 and 30 are canceled. Claims 1-28 and 31-34 stand rejected. Without conceding the propriety of the rejections, and in order to further prosecution, Applicants herein cancel claims 1 – 28. Applicants additionally present claims 35 – 51. As a result claims 31- 51 are pending. No new matter has been added. Further review and consideration of the claims is requested.

Power of Attorney

On April 6, 2007 Applicants filed a statement under 37 C.F.R. §373(b) appointing the attorneys associated with customer number 23377 of the firm Woodcock Washburn LLP to prosecute this application, however this has not been acknowledged by the USPTO and the Office Action dated August 23, 2007 was mailed to the incorrect address. Applicants respectfully request that the USPTO acknowledge the 37 C.F.R. §373(b) statement filed April 6, 2007.

Information Disclosure Statement

The references submitted in an IDS statement dated 12/17/01 have not been acknowledged. Applicants respectfully request that the Examiner acknowledge the references.

Claim Rejections – 35 USC § 101

Claims 1, 15, and 31 stand rejected under 35 U.S.C. § 101 as directed towards non-statutory subject matter. Applicants have canceled claims 1, and 15. Accordingly, the rejections to these claims are moot, however Applicants submit that they are directed towards patentable subject matter along with claim 31.

With respect to claims 1, 15, and 31, the Examiner stated in an Office Action dated August 23, 2007 that the claims are “directed to an algorithm ... and abstract ideas without a practical application are found to be[sic] non-statutory subject matter. Therefore,

Applicant's [sic] claims are non-statutory as they do not product a useful, concrete and tangible result." (Office Action, at p. 2). Applicants disagree with the Examiner, and submit that claims 1, 15, and 31 are not directed to an abstract idea because they produce a useful, concrete, and tangible result. According to Congress, and acknowledged by the Supreme Court, § 101 is intended to include "anything under the sun that is made by man." *Diamond v. Chakrabarty*, 447 U.S. 303, 309 [206 USPQ 193] (1980). While mathematical algorithms alone, are not considered patentable, an algorithm used to produce a useful, concrete, and tangible result is. *See In re Alappat*, 33 F.3d 1526, 31 USPQ2d 1545 (Fed. Cir. 1994). In *Alappat*, the Federal Circuit held that data transformed by a series of calculations to produce a smooth waveform was a practical application of an abstract idea because it produced a useful, concrete, and tangible result – the smooth waveform. Similarly, claims 1, 15, and 31 recite operational procedures that produce a useful, concrete, and tangible result – a receipt stored at a remote computer in claim 1, and 15, and the desired receipt in associated with a specific receipt card account number in claim 31. Accordingly, for at least the above stated reason, Applicants respectfully submit that the 35 U.S.C. § 101 rejections to claim 1, 15, and 31 are overcome.

Claim Rejections – 35 USC § 102(e)

Claim 31, stands rejected under 35 U.S.C. § 102(e) over U.S. Application No. 09/871,330 ("Lee"). Applicants respectfully disagree with the Examiner and submit that claim 31 patentably defines over Lee. In the Office Action, the Examiner stated that FIG. 2, and p. 2, paragraph [0019] and [0020], and p. 3, paragraph [0029] – [0034], and p. 4 [0042] – [0057] disclose "receiving, at the server, a request for a specific electronic receipt associated with a specific receipt card account number from a remote device." Applicants have reviewed the cited portion of Lee and submit that it does not teach or suggest the above cited elements. FIG. 2. depicts a system including a credit card authentication system (20) a VAN (80), and an approval system (90). According to Lee, "the VAN ... is a relay company which receives the telegram of the transaction approval request from the member store and transmits it to the credit card company." (Lee at [0006]). Applicants submit that the VAN neither "[maintains] a database of electronic receipts coupled to a server, each receipt associated with

a receipt card account number, and each receipt including a list of items purchased during a transaction and unique transaction identification information,” nor does it receive, “at the server, a request for a specific electronic receipt associated with a specific receipt card account number from a remote device.”

Applicants submit that paragraphs [0019] and [0020] of Lee do not teach or suggest the recited elements of claim 31. The portion of Lee cited by the Examiner states the VAN provides an environment “capable of performing registration and modification of credit card information for a credit card settlement function by means of the contactless radio-frequency identification [in a mobile device],” (Lee at [0019]) and a database server can store information about a user of the mobile device, and member store’s information for the transaction approval terminal. This however does not teach or suggest “maintaining a database of *electronic receipts* coupled to a server, each *receipt associated with a receipt card account number*, and each receipt including a *list of items purchased during a transaction* and unique transaction identification information; receiving, at the server, a request for a specific electronic receipt associated with a specific receipt card account number from a remote device,” (Emphasis added) as recited in claim 31.

Applicants additionally submit that paragraphs [0029] – [0034], and [0042] – [0057], fail to teach or suggest the elements recited in claim 31. According to Lee, “the transaction approval terminal combines credit card authentication request data, ... with settlement data, such as a breakdown of the transaction, [and] [t]hen the transaction approval terminal requests an approval system of a credit card company to approve the transaction.” (Lee at [0033]). In Lee, the “settlement request data ... generated from the transaction approval terminal of member store are transmitted to ... a VAN.” (Lee at [0041]). The VAN can then “read credit card company’s information in the user’s information included in the telegram of the transaction approval request, and transmit a combination of data related to the approval request to the settlement approval system of the pertinent credit card company.” (Lee at [0007]). Applicants submit that these portions of Lee fail to teach or suggest “receiving, at the server, a request for a specific electronic receipt associated with a specific receipt card account number from a remote device; and transmitting, from the server, information indicative of said specific electronic receipt to said remote device,” as recited in claim 31.

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Accordingly, for at least the above stated reasons, Applicants respectfully request reconsideration of the rejection of claim 31.

Newly presented independent claims 38, and 45 recite similar elements to that of claim 31 and patentably define over Lee for at least the reasons stated above with respect to claim 31. Accordingly, Applicants respectfully request that claims 38 and 45 be placed in condition for allowance.

Claims 32 – 37, 39 – 44, and 46 – 51 depend directly from one of claims 38 and 45, and therefore patentably define over Lee for at least the reasons stated above with respect to independent claim 31, 38, and 45. Accordingly Applicants respectfully request that claims 32 – 37, 39 – 44, and 46 – 51 be placed in condition for allowance.

CONCLUSION

Applicants respectfully request that the Examiner reconsider the rejections to the claims and issue a Notice of Allowance of all pending claims.

Date: October 23, 3007

/David M. Platz/
David M. Platz
Registration No. 60,013

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439